

## **REMARKS**

### **INTRODUCTION**

No claims have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 2-4 and 6-20 are pending and under consideration. Reconsideration is respectfully requested.

### **ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116**

Applicants request entry of this Rule 116 Request for Reconsideration. No amendments have been made to the claims. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." ( Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### **REJECTION UNDER 35 U.S.C. § 102(b)**

In the final Office Action, at page 3, numbered paragraph(s) 8-13, claims 2-6 and 9-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,493,692 to Theimar, et al.

In the outstanding final Office Action at page 2, the Examiner has again asserted that Theimar, et al. teaches "setting a relationship between the first user requesting communication and the second user." The Examiner cites Theimar, et al. at col. 11, lines 3-6 in support of this position. The cited portion states that the UserAgent "may also check the requesting client's identity and authentication if the user's policies restrict responses to a subset of all possible clients. Further, the Examiner cites Theimar, et al. at col. 7, line 65 to col. 8, line 4, which states that "A user's agent is under control of the user, and interacts with the rest of the system as an

electronic proxy for that user.” Further, it states that “[p]ersonal information about a user is primarily collected by, and primarily resides in, the user’s agent. This information may include: 1) relatively static information, such as preferences and policies....” Applicants respectfully disagree with the Examiner’s assertion.

First, Applicants respectfully assert that the term “client,” as used by Theimar, et al., differs from the word “user,” as in the present invention. Regarding the definition of “client,” the Examiner has cited Theimar, et al. at col. 7, lines 10-20, which state that a “‘user,’ for the purposes of the discussion below, is a human who interacts, implicitly or explicitly, with the resources of the system.” Accordingly, Applicants respectfully submit that, based on this definition, the term “client,” as used by Theimar, et al. differs from the term “user” in both the present invention and Theimar, et al.

As the term “client” differs from “user,” Applicants respectfully submit that checking the identity of the requesting client and authentication if a user’s policies restrict responses to a subset of all clients, as taught by Theimar, et al., differs from “setting a relationship between the first user requesting communication and the second user,” as in the claimed invention.

That is, Theimar, et al. appears to teach that a user may restrict responses based on the type of client making the inquiry, rather than the user making the inquiry. For example, different types of machines, software, or services might be treated differently by the User Agent, based on a user’s policies. Applicants respectfully submit that the present invention distinguishes over Theimar, et al. at least because it teaches setting a relationship between a first user and a second user, rather than a User Agent and a client which may or may not be related to a user.

For at least these reasons, Applicants respectfully submit that claims 2-6 and 9-20 patentably distinguish over Theimar, et al. and are in condition for allowance.

#### **REJECTION UNDER 35 U.S.C. § 103(a)**

In the final Office Action, at page 6, numbered paragraph(s) 15-17, claims 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,493,692 to Theimar, et al. in view of U.S. Patent No. 5,943,478 to Aggarwal, et al.

Dependent claims 7 and 8 depend from independent claim 4. Accordingly, Applicants respectfully submit that dependent claims 7 and 8 patentably distinguish over Theimar, et al. for at least the reasons set forth above and are in condition for allowance.

Regarding dependent claim 7, the Examiner acknowledges that Theimar, et al. fails to teach that a request occurs if the information is not recorded in the first storing means. Further, the Examiner asserts that Aggarwal, et al. teaches the request of information content from another terminal if the information content is not stored in the recording medium at col. 3, lines 41-53. Applicants respectfully disagree with the Examiner's position.

Aggarwal, et al. teaches that when a user "A" sends a message to a user "B," A's client connects to A's home server and transmits the message to it. If A's home server is not familiar with B's home server, it queries a global server to determine the identity of B and then establishes a connection with B's home server to transmit the message. If B is logged in, then the B's home server transmits the message to B. If B is not logged in, B's home server stores the message so that it is transmitted to B when B next logs in. Thus, Applicants respectfully submit that Aggarwal, et al. fails to teach or suggest at least an obtain request among a plurality of communication requester terminals, as in dependent claim 7. For this reason and those set forth above, Applicants respectfully submit that the dependent claim 7 patentably distinguishes over Theimar, et al. and Aggarwal, et al. and is in condition for allowance.

#### **CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

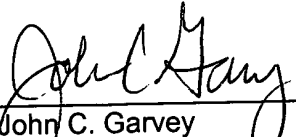
Serial No. 09/816,125

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 11-8-04

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